



Town of Hampden  
Planning Board  
**Wednesday, September 8, 2021, 7:00 pm**  
**Municipal Building Council Chambers**  
**Minutes**

In Attendance:

Planning Board

Kelley Wiltbank, Chair  
Richard Tinsman, Vice-Chair  
Brent Wells  
Gene Weldon  
Benjamin Dunham

Staff

Clifton Iler, Town Planner  
Wanda Libbey, Recording Clerk  
Ryan Carey, CEO  
Paula Scott, Town Manager

Public

Robert Treworgy  
Howard Bishop

1. Administrative – None
2. Old Business – None
3. New Business

- a. 387 Western Ave – Sketch Plan review for construction of a duplex at 387 Western Ave; Tax Map/Lot: 05-0-047-2A. Property located in the Rural District; formerly part of the Town 'N Country Subdivision along Hughes Blvd.

Clifton Iler, Town Planner, presented project introduction:

- Construction of a duplex with driveway
- On-site wastewater disposal
- Private water supply
- Parcel formerly part of Lot 2, Parcel 2 of the Town 'N Country Subdivision

The applicant, Howard Bishop, came to the Town Office inquiring about obtaining a building permit for a duplex at this site. Upon staff review, it was determined that this parcel was Lot 2 Parcel 2 of the Town 'N Country Subdivision on Hughes Blvd. In reviewing the Final Approved Subdivision Plan, that was approved by Planning Board in September 2000, there were two "remnant lots" – Parcel 1 & Parcel 2 – created with the final subdivision. Language from the Final Subdivision Plan stated these parcels are: "To be retained for future sale to adjoining owner." At that time staff recommended to merge these non-conforming parcels into Lots 1 & 2 respectively stating:

- *“The Planning Board has the responsibility to not create lot remnants that fail to meet zoning ordinance requirements... Of equal concern the final plan language on the lot remnants fails to provide any assurance that the remnants will ever be disposed of.”*
- *“[The Planning Board] has essentially no control over the “trust-me” approach proposed by the applicant. Even if the applicant does sell the lot remnants to adjoining owners the Zoning Ordinance does not appear to have a mechanism to force the buyer to add additional land to the remnant prior to reselling it. Thus, a well-intentioned applicant might sell the remnant in good faith to an adjoining landowner only to see the remnant re-sold to a third party that would petition the Town for a Building Permit.”*

Discussion:

- Lot 2 owner purchased the abutting remnant lot (Parcel 2), but it was not replotted or recorded at the registry, so it has never been truly part of the subdivision.
- Parcel 2 was sold to an abutter of the subdivision in 2001 and then transferred once more and then to the applicant.
- The applicant purchased additional land on the southerly side to achieve the required 200' road frontage to make conforming parcel per the Zoning Ordinance.
- Because the parcel was not recorded with the Registry of Deeds, and therefore deemed not part of the subdivision, it can be recognized as a buildable lot.
- The road frontage is on Western Ave, not Hughes Blvd.

**Motion** by Member Weldon to deny the sketch plan based in that the Board does not feel the parcel is part of the subdivision and therefore there is no reason to modify the subdivision plan. The property as it sits is a buildable lot; seconded by Member Dunham; carried 5/0/0 by roll call vote.

- Colonial Heights: Phase 3 Subdivision Amendment – Amendment to existing Colonial Heights Subdivision to include a lot line adjustment to provide additional access for a single-family lot on Freedom Ave; Tax Map/Lot: 35-0-033A & 06-0-041A. Property located in the Residential B District.

Planner Iler explained the amendment:

- Colonial Heights Phase 3 previously approved subdivision
- Originally approved August 2017 and amended February 2021
- Purpose of amendment to realign the 30-foot utility easement from previously approved subdivision plan
- To provide access to a single-family dwelling from end of Freedom Ave.
- This adjustment will cause no additional impact on traffic, road design or infrastructure

Applicant, Robert Treworgy explained to the Board that the amended plans that Mr. Kiser submitted include the increase of a 106-foot extension of the lot from when it was originally approved.

**Motion** by Member Tinsman to approve the Colonial Heights: Phase 3 Major Subdivision Plan Amendment as presented; seconded by Member Weldon; motion carried 5/0/0.

#### 4. Town Planner Report

Planner Iler updated the board on Town Council's approval of the Zoning Map Amendment for eight parcels along the Emerson Mill Road totaling 84.27 acres on Emerson Mill Road from Industrial to Rural. This will be effective 30 days from September 7, 2021.

Planner Iler updated the board on the approval of LD 1530 in July 2021 by state legislature. This law is provided to define a tiny home as suitable means of a primary or accessory dwelling.

CEO Ryan Carey updated the board on the building season which is winding down. Residential are slowing down for the first time since the beginning of COVID. We saw a greater number of permits for renovations rather than new homes. With lumber and building material prices stabilizing which we hope will encourage late season building. We have had several speculative meetings on potential projects along the Rt. 202 corridor, specifically in the business park. He also updated the board on the following four projects that have been approved:

- Honey Hill has the first residential dwelling complete. Once site completion is done, I will issue a certificate of occupancy.
- There is nothing to report on the Stearns Farm Subdivision currently.
- DLM project has building one almost complete and they are getting ready to start building two very soon.
- Old County Triangle, LLC are looking at getting started over the winter with building renovations.

#### 5. Planning Board Comment

Member Tinsman asked if the board needs to take any action concerning remote access? Town Manager Paula Scott explained that the Planning Board does have to adopt your own policy to continue with remote meetings. The Planning Board's policy could mirror the Town Council's policy, but it does not have to.

Chair Wiltbank asked Planner Iler to prepare a draft remote access policy for the next meeting.

Member Weldon asked if it would be a policy, or it would be an amendment to the bylaws? Town Manager Paula Scott is not certain of this but will check into it for the board.

#### 6. Adjournment

**Motion** by Member Weldon moved to adjourn the meeting at 7:49 pm, seconded by Member Tinsman; motion carried 5/0/0.

Respectfully submitted by:  
Wanda Libbey, Administrative Asst.